

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BRYNN GRIFFIN,	)	
Petitioner,	)	
	)	
v.	)	Civil Action No. 11-527
	)	
JAMES J. MCGRADY, et al.,	)	
Respondents.	)	

O R D E R

AND NOW, this 22<sup>nd</sup> day of August, 2011, after a petition for a writ of habeas corpus was filed by the petitioner, Brynn Griffin, and after a motion to dismiss the petition as time-barred was submitted by the respondents, and after a Report and Recommendation of the United States Magistrate Judge was issued, and the parties were accorded an opportunity to file written objections by August 18, 2011, and no objections having been filed, and after independent review of the petition and the record, and upon consideration of the Report and Recommendation of the Magistrate Judge, which is adopted and incorporated as the opinion of this Court,

IT IS ORDERED that the respondents' motion to dismiss the petition of Brynn Griffin for a writ of habeas corpus (Document No. 12) is granted, and because reasonable jurists could not conclude that a basis for appeal exists, that a certificate of appealability is denied.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the F.R.App.P., if the petitioner desires to appeal from this Order, he must do so within thirty (30) days by filing a notice of appeal as provided by Rule 3 F.R.App.P.

s/ Arthur J. Schwab  
United States District Judge